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## Planning Commission Staff Report

**TO:** PLANNING COMMISSION

**FROM:** SYDNEY BETHEL, PLANNER II *SB*  
(480) 503-6721, SYDNEY.BETHEL@GILBERTAZ.GOV

**THROUGH:** CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *cl*  
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

**MEETING DATE:** OCTOBER 2, 2019

**SUBJECT:** Z19-04, LDC TEXT AMENDMENT-HERITAGE SIGN PLANS:  
REQUEST TO AMEND THE TOWN OF GILBERT LAND  
DEVELOPMENT CODE, ARIZONA, CHAPTER I ZONING  
REGULATIONS, DIVISION 4 GENERAL REGULATIONS,  
ARTICLE 4.4 SIGN REGULATIONS, THE GLOSSARY OF  
GENERAL TERMS, AND THE APPENDIX 1 GRAPHICS,  
RELATED TO THE ADDITION OF A NEW TYPE OF ROOF SIGN  
IN CERTAIN LOCATIONS WITHIN THE HERITAGE VILLAGE  
CENTER ZONING DISTRICT.

**STRATEGIC INITIATIVE:** Prosperous Community

Gilbert is committed to attracting, growing and retaining business and industry within the community. The proposed amendment responds to business interest for roof signs that identify the Heritage District as a unique resident and tourist attraction.

### **RECOMMENDED MOTION**

For the reasons set forth in the staff report, move to recommend approval to the Town Council for Z19-04, LDC Text Amendment-Heritage Sign Plans as requested.

## **BACKGROUND/DISCUSSION**

### **History**

<b>Date</b>	<b>Description</b>
<i>March 23, 2010</i>	Town Council adopted Ordinance No. 2281 (Z08-28), establishing commercial and residential design guidelines for the Heritage District and amending the parking requirements for residential uses in the Heritage District.
<i>June 29, 2017</i>	Town Council adopted Ordinance No. 2619 (Z16-11), repealing and replacing in its entirety Article 4.4 Sign Regulations.
<i>August 16, 2018</i>	Town Council adopted the 2018 Heritage District Redevelopment Plan.
<i>November 1, 2018</i>	Town Council adopted Ordinance No. 2688 (Z18-24), amending Article 4.4 Sign Regulations regarding electronic changing message displays and marquee signs.
<i>February 6, 2019</i>	The Planning Commission initiated the LDC update to the Heritage District Design Guidelines.
<i>April 3, 2019</i>	Planning Commission initiated a LDC text amendment (Z19-04) related to the addition of new nostalgic or historic rooftop sign types and sizes within the Heritage Village Center Zoning District and conducted Citizen Review.
<i>April 17, 2019</i>	Redevelopment Commission recommended postponement of Z19-04, LDC Text Amendment—Heritage Sign Plan until after Council consideration and possible adoption of the updated Heritage District Design Guidelines.
<i>May 1, 2019</i>	Planning Commission continued Z19-04 to September 4, 2019.
<i>September 4, 2019</i>	Planning Commission continued Z19-04 to October 2, 2019.
<i>September 18, 2019</i>	Redevelopment Commission recommended approval (4-1 vote) to the Planning Commission of Z19-04.

### **Overview**

A downtown interest has shared the idea with some members of Town Council for a roof sign in the historic and symbolic center of Gilbert known as the Heritage District. The Land Development Code (LDC) does not presently permit roof signage, prompting this request for a possible amendment. These signs would only be permitted within the Heritage Village Center (HVC) zoning district along Gilbert Road, in appropriate locations and would be held to elevated design standards to ensure that the roof sign contributes to the visual identity and character of the area through extraordinary aesthetic quality, creativity or innovation.

Many historic areas around the country have restored their historic neon signage because they reflect bygone times and serve as unique attractors to these vibrant village centers. Roof signs peaked in popularity in the latter half of the 19<sup>th</sup> century and could be seen within many major metropolitan areas across the United States. Although some historic roof signs have been preserved as iconic city landmarks, the majority of municipalities researched no longer permit new roof signs to be erected. The principle reasoning behind the prohibition of roof signs is to avoid the cluttering

of the city skyline as too many competing roof signs confuse customers and greatly impact the aesthetics and design quality of an area. The structural integrity of existing buildings that were not built to support this type of signage can also make roof installations problematic.

The proposed text amendment draws inspiration from other municipalities relating to roof signs and portions of our Land Development Code relating to existing sign types. Elements were added and modified based off input received from the Redevelopment Commission, Planning Commission, members of the public, and from additional research conducted by staff.

### **Effect of Text Amendment**

The primary goal for this effort is to adopt modifications to the LDC that support and encourage economic development and attract investment. Any proposed LDC changes should also contribute to community values for enduring architecture and design, which includes architecturally compatible signs that positively contribute to the Heritage Districts' unique character, aesthetic environment and quality.

The proposed LDC text amendment would add Heritage District Roof Signs, mounted in a manner that: a) respects the design of the buildings and neighboring properties; and b) can be safely installed and operated. The effect of the amendment will be to allow roof signs within the Heritage District, located along Gilbert Road and approved under a Heritage Sign Plan; to add approval criteria and standards for such signs related to the operation, location, placement, design, lighting, safety, and sizes of such signs; and to amend related terms and graphics for clarity and consistency.

### **Text Amendment Overview**

The overview provided below highlights the proposed text amendment. Please see "Proposed Zoning Code Amendment" for the entirety of the proposed text amendment with the specific changes.

### ***Content***

For all intents and purposes, the Heritage District Roof Sign would be considered a non-commercial sign as it would not promote a particular business, service or product, but contributes to the visual identity and character of the heritage district through extraordinary aesthetic quality, creativity, or innovation. Per LDC 4.407.A, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure. Gilbert's sign code regulates signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content.

### ***Location***

Roof signs will only be permitted within the Heritage Village Center (HVC) zoning district on buildings three stories above ground and taller, and fronting Gilbert Road. The roof signs must be located at minimum two (2) feet from the edge of the roof. There will only be one (1) roof sign permitted per identified segment within the Heritage District. Gilbert Road is split into three (3) segments identified as north, central, and south. This proposed code language will allow for a limited number of signs that are distributed throughout the district to avoid cluttering and visual competition.

### ***Size, Height, and Orientation Standards***

The proposed text amendment states that the maximum sign area must not exceed 200 sq. ft. and the maximum height must not extend more than fifteen (15) feet above the roof line, parapet, or fascia of the building. The height measurement includes structural supports, architectural features of the structure, and nonstructural or decorative trim. The maximum height permitted within the HVC zoning district is fifty-five (55) feet, however, projections above height limits may be allowed per LDC Section 4.102.

If single-sided, the back of the roof sign must include a stylized backer and must have all wires and accessory equipment concealed. A double-sided roof sign may only be permitted if mounted perpendicular to Gilbert Road to focus illumination north and south toward the commercial areas and away from the residential neighborhoods to the east and west. The sign copy must be mounted as stylized, individual letters and graphics. A background panel or billboard-style backer is prohibited.

### ***Lighting***

Sign illumination must be exposed neon, decorative bulbs or tubing and the sign must be architecturally compatible with the building. However, approved signs must not obscure or overwhelm the existing architectural details. Per LDC Section 4.409 A.C.5., no sign located within fifty (50) feet of a single-family zoning district shall be internally illuminated. All sign illumination and lighting are required to comply with the Municipal Code and Arizona Revised Statutes related to lighting.

### ***Design Guidelines***

The existing Design Guidelines for the Heritage District have design standards that create the framework for signage within the Heritage District. The Design Guidelines emphasize signs that are highly graphic in form, expressive and individualized to create a distinctive character.

The proposed text amendments are shown below:

### **Proposed Zoning Code Amendment**

The Land Development Code of Gilbert, Arizona, Chapter I Zoning Regulations, Division 4 General Regulations, Article 4.4 Sign Regulations, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

#### **4.409 Permanent Signs**

- A. ***General Criteria for Lighting and Changing Message Displays Utilized with Permanent Signs.*** The following general criteria and limitations for lighting and changing message displays shall apply to Permanent Signs, where indicated.
1. ***Lighting.*** The illumination of signs shall meet all regulations as set forth in the Gilbert Municipal Code, Chapter 42, Article II, Section 42-34, AND ARS § 49-1101 THROUGH 49-1106.

\* \* \*

- B. ***Type of Permanent Signs.*** The following types of permanent signs are allowed in one or more of the Town of Gilbert's zoning districts, as more specifically set forth in 4.409.B.1. through B.256. below.

\* \* \*

26. ***HERITAGE DISTRICT ROOF SIGNS.*** IN THE HERITAGE VILLAGE CENTER ZONING DISTRICT, A ROOF SIGN SHALL ONLY BE PERMITTED ON A BUILDING THAT IS THREE STORIES ABOVE GROUND AND TALLER, AND FRONTS GILBERT ROAD, SUBJECT TO THE FOLLOWING CONDITIONS AND CRITERIA:

- A. ONLY ONE (1) ROOF SIGN SHALL BE PERMITTED WITHIN EACH SEGMENT IDENTIFIED AS SEGMENT 1, SEGMENT 2 AND SEGMENT 3. SEGMENT 1 IS BOUNDED BY JUNIPER AVENUE TO THE NORTH AND THE CONSOLIDATED CANAL TO THE SOUTH. SEGMENT 2 IS BOUNDED BY THE CONSOLIDATED CANAL TO THE NORTH AND THE RAILROAD TRACKS TO THE SOUTH. SEGMENT 3 IS BOUNDED BY THE RAIL ROAD TRACKS TO THE NORTH AND BY ELLIOT ROAD TO THE SOUTH.
- B. ROOF SIGNS MUST BE LOCATED AT MINIMUM TWO (2) FEET FROM THE EDGE OF THE ROOF.
- C. THE ROOF SIGN MUST HAVE A HORIZONTAL DIMENSION EQUAL TO OR GREATER THAN ITS VERTICAL DIMENTION. THE MAXIMUM SIGN AREA MUST NOT EXCEED 200 SQ. FT. THE ALLOWABLE SIGN AREA FOR A HERITAGE DISTRICT ROOF SIGN SHALL BE EXEMPT FROM THE MAXIMUM SIGN AREA ALLOWED IN SECTION 4.409.B.3.
- D. THE MAXIMUM HEIGHT MUST NOT EXTEND MORE THAN FIFTEEN (15) FEET ABOVE THE ROOF LINE, PARAPET, OR FASCIA OF THE BUILDING. THE HEIGHT MEASUREMENT INCLUDES STRUCTURAL SUPPORTS, ARCHITECTURAL FEATURES OF THE STRUCTURE, AND NONSTRUCTURAL OR DECORATIVE TRIM.
- E. IF SINGLE-SIDED, THE BACK OF THE ROOF SIGN MUST INCLUDE A STYLIZED BACKER AND MUST HAVE ALL WIRES AND ACCESSORY EQUIPMENT CONCEALED. A DOUBLE-SIDED ROOF SIGN MAY ONLY BE PERMITTED IF MOUNTED PERPENDICULAR TO GILBERT ROAD.
- F. THE SIGN COPY MUST BE MOUNTED AS STYLIZED, INDIVIDUAL LETTERS AND GRAPHICS. A BACKGROUND PANEL OR BILLBOARD-STYLE BACKER IS PROHIBITED.
- G. SIGN ILLUMINATION SHALL BE LIMITED TO EXPOSED NEON, DECORATIVE BULBS OR TUBING.
- H. THE SIGN MUST NOT INHIBIT THE REQUIRED SCREENING OF MECHANICAL EQUIPMENT AND MUST NOT IMPAIR ROOF ACCESS.
- I. THE ROOF SIGN MUST BE ARCHITECTURALLY COMPATIBLE WITH THE BUILDING. THE HERITAGE DISTRICT DESIGN GUIDELINES SET FORTH THE APPROPRIATE DESIGN, MATERIALS AND COLOR OF THE ROOF SIGN.

- J. THE REDEVELOPMENT COMMISSION MAY APPROVE A HERITAGE DISTRICT ROOF SIGN THROUGH A HERITAGE SIGN PLAN OR A DESIGN REVIEW APPLICATION, ONLY WHEN THE PROPOSED PLAN OR APPLICATION DEMONSTRATES THAT THE ROOF SIGN IS COMPATIBLE WITH THE BUILDING'S ARCHITECTURAL DESIGN. NOTWITHSTANDING THE FOREGOING, THE REDEVELOPMENT COMMISSION SHALL NOT BASE ANY DECISION ON THE MESSAGE CONTENT OF THE SIGN.

### **Proposed Zoning Code Amendment**

The Land Development Code of Gilbert, Arizona, Chapter I Zoning Regulations, Division 4 General Regulations, Article 4.4 Sign Regulations, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

### **4.4013 Heritage Village Center Zoning District**

In the Heritage Village Center Zoning District, the Permanent Sign types allowed and the applicable permitting plan, program or review process are set forth below in Table 4.4013. Refer to each sign type for criteria and limitations as more specifically set forth in Section 4.409.B.

<b>Table 4.4013: Permanent Signs Allowed in the Heritage Village Center Zoning District</b>	
<b>Sign Type</b>	<b>Allowed</b>
* * *	
25. Historic Markers	Yes
26. HERITAGE DISTRICT ROOF SIGNS	YES

### **Proposed Zoning Code Amendment**

The Land Development Code of Gilbert, Arizona, Glossary of General Terms, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

### **Glossary of General Terms**

\* \* \*

HERITAGE DISTRICT ROOF SIGNS (*SEE SIGN TYPES*)

\* \* \*

### ***Sign Types.***

\* \* \*

*Historic Marker.* A marker commemorating a historic person or event, or identifying a historic place, structure or object.

*HERITAGE DISTRICT ROOF SIGN* - A SIGN MOUNTED TO THE ROOF OF A BUILDING WHOSE HORIZONTAL DIMENSION IS EQUAL TO OR GREATER THAN ITS

VERTICAL DIMENSION AND WHOSE HEIGHT EXCEEDS THE ROOFLINE OR PARAPET OF THE BUILDING TO WHICH IT IS ATTACHED. THE ROOF SIGN WILL BE CONSIDERED A NON-COMMERCIAL SIGN AS IT DOES NOT PROMOTE A PARTICULAR BUSINESS, SERVICE OR PRODUCT BUT CONTRIBUTES TO THE VISUAL IDENTITY AND CHARACTER OF THE HERITAGE DISTRICT THROUGH EXTRAORDINARY AESTHETIC QUALITY, CREATIVITY, OR INNOVATION.

\* \* \*

#### **REDEVELOPMENT COMMISSION (RDC) RECOMMENDATION**

At the September 18, 2019 public hearing, the RDC recommended approval (4-1 vote) to the Planning Commission of Z19-04. In earlier discussions, the Commissioner in opposition stated his concern over the inability to regulate the content of the signage. Details on the discussion are included in the draft minutes under Attachment 4. Since the RDC's review, some minor edits were made to the text for clarity and format in the draft ordinance.

#### **PUBLIC NOTIFICATION AND INPUT**

For the October 2, 2019 public hearing, a notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

One (1) member of the public spoke in opposition of the proposed text amendment at the April 17, 2019 Redevelopment Commission public hearing, citing conflicts with redevelopment goals and harmful competition with the existing water tower. At the May 1, 2019 Planning Commission public hearing, one (1) member of the public spoke in opposition of the proposed text amendment. Three (3) additional members of the public were present and stated opposition to the proposed text amendment but did not wish to speak.

At the September 18, 2019 Redevelopment Commission public hearing, two (2) members of the public spoke in opposition of the proposed text amendment and an additional six (6) members of the public were in opposition but did not wish to speak. There was one (1) member of the public who spoke in support of the proposed text amendment. Details on the statements made by the members of the public are included in the draft minutes under Attachment 4.

#### **STAFF RECOMMENDATION**

Recommend approval to the Town Council of Z19-04, LDC Text Amendment-Heritage Sign Plans, a request to amend the Town of Gilbert Land Development Code, Arizona, Chapter I Zoning Regulations, Division 4 General Regulations, Article 4.4 Sign Regulations, the Glossary of General Terms, and the Appendix 1 Graphics, related to the addition of a new type of roof sign in certain locations within the Heritage Village Center Zoning District.

Respectfully submitted,



Sydney Bethel  
Planner II

**Attachments and Enclosures:**

- 1) NOPH
- 2) Heritage District Design Guidelines – Section G. Signage
- 3) Reference Map of Proposed Sign Locations
- 4) Redevelopment Commission Draft Minutes – September 19, 2019





## **NOTICE OF PUBLIC HEARING**

PURSUANT TO ARS Sections 39-204 & 9-462.04, NOTICE IS HEREBY GIVEN OF PUBLIC HEARING in the Town of Gilbert, Arizona, relating to the following requests for changes in land use regulations:

**Z19-04 LDC TEXT AMENDMENT – HERITAGE SIGN PLANS:** Request to amend the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Division 4 General Regulations, Article 4.4 Sign Regulations, the Glossary of General Terms, and the Appendix 1 Graphics, to allow for a new type of rooftop sign in certain locations within the Heritage Village Center Zoning District. The effect of the amendment will be to allow rooftop signs of specific sizes and types for certain uses under a Heritage Sign Plan, to add approval criteria and standards for such signs related to the operation, location, placement, design, lighting, safety, and sizes of such signs, and to amend related terms and graphics for clarity and consistency

**The applications and project files may be viewed by the public Monday through Thursday, 7:00 am to 6:00 pm at the Town of Gilbert, Planning and Development Services office located at 90 East Civic Center Drive, Gilbert, AZ. Written comments may be sent to Town of Gilbert, Planning and Development Services, 90 East Civic Center Drive, Gilbert, AZ 85296. Written comments may also be submitted at the public hearing. Any interested person may appear and be heard at the following public hearing:**

**Planning Commission: Wednesday, October 2, 2019 at 6:00 p.m.  
Gilbert Municipal Center, Council Chambers, 50 East Civic Center Drive, Gilbert, AZ**

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Lisa Maxwell, Town Clerk

## Heritage District Design Guidelines

### 4. Green Building

- a. “Green Building”, a whole systems approach to the design, construction, and operation of buildings to reduce energy use and pollutants from the early stages of development through the final finishes, is encouraged.
- b. Climate-sensitive building designs, which mitigate Gilbert’s warm, sunny climatic conditions, are strongly encouraged.
- c. Rainwater harvesting, on-site water storage and water conservation techniques, which address Gilbert’s semi-arid desert environment, are strongly encouraged.
- d. Design strategies and building techniques, which minimize environmental impact, reduce energy consumption, and endure over time, should be utilized.
- e. Shelter entries and windows and use architectural shading devices and landscaping to minimize cooling losses.
- f. Incorporate “cool surface materials” at the pedestrian level.

**Favorable:** This local Green Building shade structure provides shade, generates solar power, and serves as an educational display



### G. Signage

Signage can incorporate graphics, symbols, letters or numbers for the purpose of advertising or identifying any business, product, goods or services. The objectives of the signage guidelines are to provide signage that enhances the architectural design of buildings within downtown Gilbert and encourages creative and innovative approaches to signage within an established framework.

- a. Signage should not obscure or overwhelm existing architectural details.
- b. Signs should be highly graphic in form, expressive and individualized in order to provide a distinctive character in the Heritage District.
- c. Signs should convey the product or service offered by the business in a bold, graphic form.
- d. Projecting signs supported by ornamental brackets and oriented to pedestrians are strongly encouraged.
- e. Awning signs should be used to add visual interest to a building and provide shade. Awning signs should be placed over windows, doors and pedestrian walkways.



**Appropriate:** Creative graphic design incorporated into a Projecting Roof Sign

# Heritage District Design Guidelines

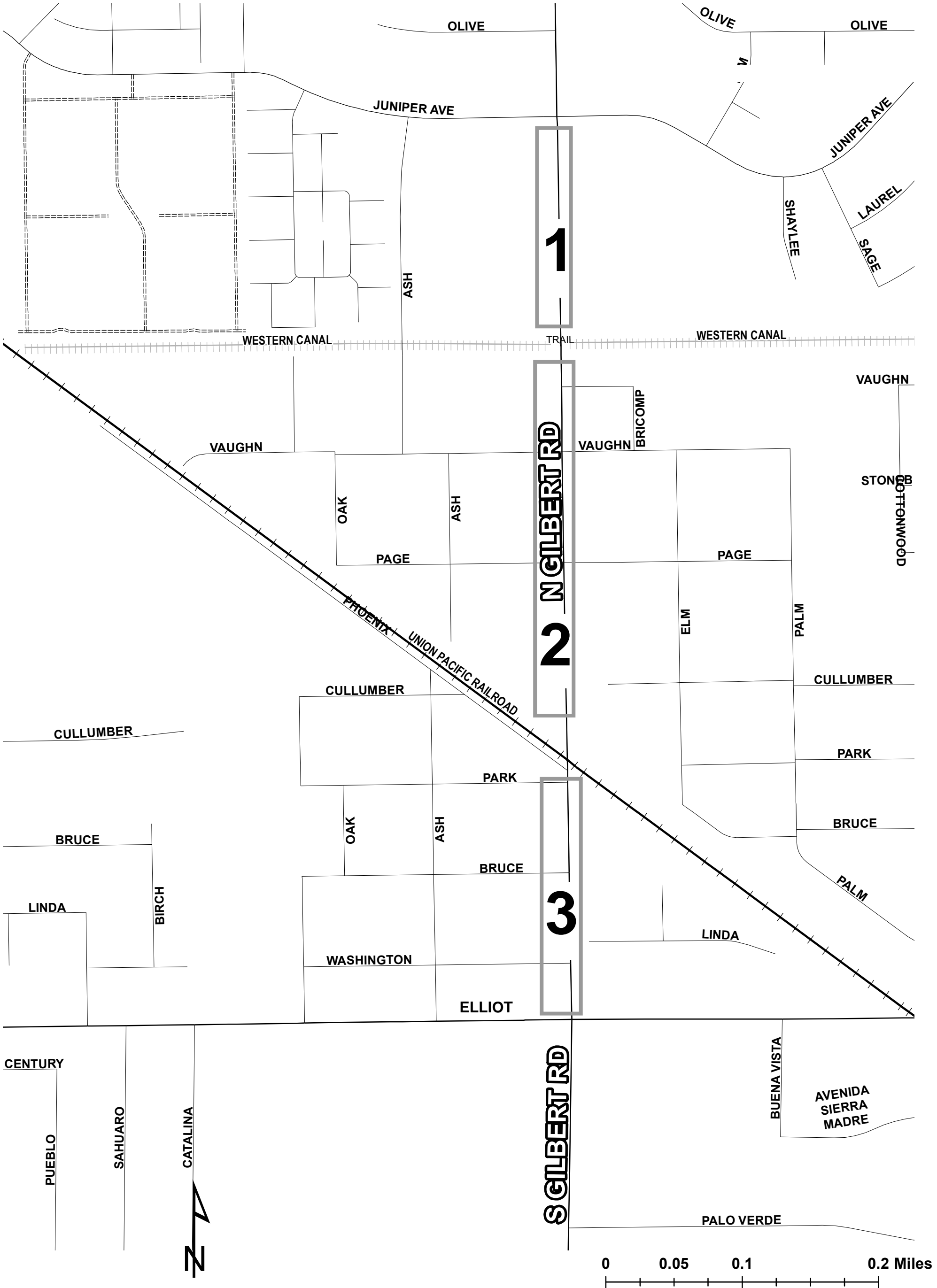
- f. Awning sign lettering shall be dictated by the size of the awning and shall be proportional to the awning. Variety in lettering styles is encouraged. Color of the lettering shall compliment the awning color and must be compatible with the overall facade of the building.
- g. Awnings with back-lit graphics or other kinds of interior illumination are discouraged.
- h. The continued use of exposed neon lighting is encouraged due to its visual quality at night.
- i. Back-lit, halo-lit illumination, or reverse channel letters with halo illumination are highly encouraged for lighting purposes. Such signs convey a subtle and attractive appearance and are very legible under moderate ambient lighting conditions.
- j. Wall signs should be located on the upper portion of the storefront or entrance, within or just above the storefront or entry opening.
- k. Wall signs shall be mounted in locations that respect the design of a building, including the arrangement of bays and openings.
- l. Directional Signs are encouraged to help people navigate the Heritage District.



**Appropriate:**  
Exposed neon adds to nighttime character

**Appropriate:** Creative graphic design incorporated into a sign





**2. Z19-04 LDC TEXT AMENDMENT – HERITAGE SIGN PLANS: Request to amend the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Division 4 General Regulations, Article 4.4 Sign Regulations, the Glossary of General Terms, and the Appendix 1 Graphics, to allow for a new type of rooftop sign in certain locations within the Heritage Village Center Zoning District.**

Planner Sydney Bethel reviewed the request to amend the Land Development Code (LDC) related to the addition of a new type of rooftop sign in certain locations within the Heritage Village Center (HVC) Zoning District. On April 3, 2019 the Planning Commission initiated the LDC Text Amendment and on April 17, the Redevelopment Commission provided comments and recommended postponement of the Text Amendment until the Heritage District Design Guidelines update was implemented. The Planning Commission continued the item in May as well as in September in order to bring the new Text Amendment with additions to the Redevelopment Commission prior to approval by the Planning Commission.

The LDC does not currently permit rooftop signage, and most other cities staff has researched do not permit new rooftop signs, although the ones that are existing are either historic signs or copies of historic signs. Certain cities do permit rooftop signage and elements from their codes have been incorporated into this proposed Text Amendment. Staff believes the Heritage District is the most appropriate location for rooftop signs due to the signage already existing with projecting neon signs that are popular in that District. Staff feels that rooftop signs will add to the unique sense of place that is fostered within the Heritage District area.

Ms. Bethel outlined the details of the proposed Text Amendment.

**Location and Number of Signs:** The proposed Text Amendment would only allow rooftop signs within the Heritage District, specifically within the HVC Zoning District along Gilbert Road. There are three specific bounded areas on Gilbert Road where these signs would be allowed, splitting the District into north, central and south sections. Area 1 (north) is bounded by Juniper Avenue to the north and the canal to the south. Area 2 (central) is bounded by the canal to the north and the railroad tracks to the south. Area 3 (south) is bounded by the railroad tracks to the north and Elliot Road to the south. The rooftop signs will only be allowed on buildings three-stories and taller fronting Gilbert Road. There will only be one sign permitted per bounded area for a total of three (3) rooftop signs within the identified areas of the Heritage District. Previously, this was a separation requirement and this is a modification from the last presentation.

**Content of Signs:** Ms. Bethel advised that the content of signs cannot be restricted. A rooftop sign would be considered a non-commercial sign and would not promote a particular business, service, or product.

**Sign Specifications:** The area of a rooftop sign must not exceed 200 square feet, must not extend more than 15 feet above the roof line, and must be located two feet back from the edge of the roof. The copy must be mounted as stylized individual letters and graphics. The lighting will be required to be exposed neon, decorative bulbs, or tubing. This is similar to what is currently required for projecting signs. The lighting must comply with Arizona Revised Statutes, the Town of Gilbert Municipal Code, and the existing Design Guidelines relating to lighting.

**Next Steps:** This item will be brought forth to the Planning Commission on October 2, 2019 with a formal recommendation from the Redevelopment Commission. The item is scheduled for a public hearing and decision by Town Council on October 17, 2019, with the recommendations from both Commissions.

Staff is asking that the Redevelopment Commission recommend approval to the Planning Commission for Z19-04, LDC Text Amendment-Heritage Sign Plans.

**QUESTIONS/COMMENTS FROM THE COMMISSION:**

Vice Chair Hamilton understood that the non-commercial aspect of the signs means that it cannot support a business. He asked if the sign could state a product such as Coca-Cola or political messages such as abortion is murder.

Town Attorney Chris Payne would need to conduct some research regarding political messages on signs. As a non-commercial sign, the intent is to not advertise their own business, although he would have to research on advertising of another business or product and report back to the Commission.

Commissioner Jones asked for clarification on why the Commission or other appropriate department would not be able to approve what actually goes on such an iconic sign.

Attorney Payne stated as a result of recent Supreme Court cases, especially one that Gilbert was involved in, we cannot regulate the content of the message. The Town can set guidelines such as requiring that it be non-commercial, but we cannot regulate what is stated.

Ms. Bethel stated when a sign is submitted, it will come to the Redevelopment Commission for ultimate approval as part of a Heritage District sign package. It is written in the code that the Commission will be able to see the design and other elements of the sign for approval. Such a sign will not just be approved by staff.

Commissioner Jones asked about the context of why this request was brought forth and the urgency of the matter.

Ms. Bethel stated the idea for a rooftop sign was originally brought forward through a downtown business. Staff explored the option and brought it forth since there has been some interest in the downtown for such signs.

Commissioner Bigelow asked if requests for such signs would be handled on a first come first serve basis, since only three will be allowed. Is there an expiration period for these signs, or once approved, will the sign be there forever? Will there be a permit that if not renewed will provide an opportunity for someone else to put up a sign.

Ms. Bethel would need to verify the exact expiration date. Typically, with submittals there is a 3-year expiration date. Once a sign is approved, technically that area will be exempt from another sign coming in until the first one is dismantled. It would limit another business owner in the same district area from pursuing the signage once a sign is approved and erected.

Commissioner Bigelow understood that the signs would come to the Redevelopment Commission to consider the design and to make sure it fits into the downtown. There are a lot of people in the neighborhood that are concerned about the impacts of such signs. If this proposal does go through, we want to make sure that a sign is something really great that will help the overall aesthetic of the Heritage District.

Ms. Bethel explained that there will be a public process with opportunity for public comment. She asked if Commissioner Bigelow was requesting that all three signs come in at the same time.

Commissioner Bigelow was concerned that someone will come in with a sign that everyone likes and then in three years when it expires it could be swapped out with whatever they want. The concern is to protect the Heritage District and the people that live there.

Attorney Payne stated while the Commission can't regulate the content of a sign, they can regulate the design. Any sign or change to an existing sign would come before the Commission to look at the design.

Commissioner Sciacca asked how the three bounded areas were determined. As we reach buildout, the skyline could change with higher developments. Is there the potential for additional bounded areas to be formed with the growth of the Town allowing more rooftop signs?

Ms. Bethel stated for the current proposed Text Amendment, we are only looking at these specific areas. An amendment could possibly be brought forward in the future, although the intent is to keep it limited to three to avoid competition and cluttering and to address some concerns by residents and the Commission. Staff is not looking at pursuing that possibility, nor would we necessarily want that to happen. We understand that things develop and change, so it could be a possibility in the future.



Chair Hudgins stated there has been some discussion as well as an article about potential additional redevelopment areas. If there are other redevelopment areas in the future, would these signs apply or will this be specific to the Heritage District?

Ms. Bethel stated this is proposed specific to the Heritage District only in one specific zoning district, which is HVC. The projecting signs that are in the downtown are now also permitted in commercial districts and the Gateway Village Center District through an amendment that took place not too long ago. There is a possibility that it could expand in the future, although as proposed it only applies to the HVC in the Heritage District.

## **PUBLIC COMMENT**

Chair Hudgins received 8 cards in opposition and 1 card in favor of Z19-04 LDC Text Amendment – Heritage Sign Plans. Two of those opposed have requested to speak and three wished to turn their time over to another speaker. There was one request to speak in favor.

Chair Hudgins will allow Doralise Machado-Liddell 10 minutes instead of the usual 3, as she will also be speaking on behalf of several others opposed to the Text Amendment.

**Doralise Machado-Liddell** stated currently, the Heritage District is allowed a variety of different signs. She wanted to talk about the small town feel. She noted that Portland has 4.25 million people, Los Angeles 4 million, Phoenix 1.6 million, Seattle over 700,000, Gilbert over 250,000, Chandler 250,000, Tempe 185,000, and Inglewood 110,000. According to her research, Portland does not allow rooftop signs. Los Angeles only allows rooftop signs if they are framed by a higher building that does not break the skyline when viewed at a distance of 500 feet. Phoenix allows rooftop signs in certain areas such as Jackson Street. Seattle prohibits rooftop signs and stated exceptions shall not be granted for roof signs. Chandler also prohibits rooftop signs and states the intent is to eliminate aesthetic blight and reduce visual clutter. Tempe does not allow rooftop signs. Inglewood, California does not allow rooftop signs. Flagstaff only allows rooftop signs when there are no walls to accommodate a building sign.

Doralise had asked staff which cities they researched that did allow rooftop signs. Through all of the surveys, research, and community outreach, Gilbert residents have stated they want the small town feel. A rooftop sign is not a small town feel. There is a reason why these signs are not allowed. It is because of skyline and visual clutter. The Heritage District Guidelines are not completed to date and that is why this matter was postponed. To date there has been no community outreach with the exception of one public meeting on January 31, 2019. At that time, Doralise was advised by staff that they could not show the text because they were waiting for illustrations. The inspiration for the design guidelines is coming from Bethesda, Watertown, and Boston. She asked if those cities allowed rooftop signs.

The Lacey tract neighborhood was established in 1917, and Gilbert was founded in 1920. The Water Tower was erected in 1927. The residential property owners have enjoyed the skyline for over 100 years without skyline clutter and visual blight. Whether it is one sign, 3 signs, or 100 signs, it is still sign clutter and visual blight. A 200 square foot sign will need to be held up by something. The zoning regulations in Gilbert require all mechanical equipment to be screened. She has been told that the buildings will limit the view of the Water Tower. How will a rooftop sign enhance the visitor experience, the pedestrian experience? They won't even be able to see the rooftop sign. She asked who we are trying to advertise to? The residents will be viewing that sign 24 hours a day. There was discussion on why we can't regulate content. In the Supreme Court case *Reed v. Town of Gilbert*, the decision was that the Town did not apply the sign code in a consistent manner, which violated the first amendment. Gilbert is known throughout the US as the town that changed the zoning laws related to signage. She believed the current rooftop sign amendment is not being applied consistently. Residents in the Heritage District are not being allowed the same rights as other property owners in Gilbert. Why? According to the Town of Gilbert's Annual Action Plan 2019, the two census tracts in the Heritage District contain the largest number of low to moderate income residents. Those

residents need a voice too. In the 2008 and 2018 Redevelopment Plan, it clearly states the importance of the small town feel and does not state anything about rooftop signs. The rooftop signs also interfere with astronomical observations. She feels the Town will be introducing sign blight and visual blight in a designated slum and blighted area. All residents in the Heritage District should enjoy the same rights, a clutter-free skyline, as other residents in Gilbert. The business owner at 313 North Gilbert Road should not be able to take away property rights of residential property owners in the Heritage District. We need to work with each other, not against each other. She believed the Town is taking the rights away from residential property owners to benefit three businesses. She believed the sign code favors three business over others. What we do here in Gilbert has a tremendous effect. If you can't control content, a sign can say anything. When the business owner purchased the property, they knew what the laws were.

The Gilbert Downtown has existed for 99 years without rooftop signs, and it can exist 99 more years without rooftop signs. Gilbert is known throughout the US for Reed v. Town of Gilbert and many towns had to rewrite their sign code as a result. We must not put Gilbert on the map by placing rooftop signs in the Heritage District. Gilbert was known as the hay capital of the world. Doralise did not want Gilbert to be known as the sign clutter capital of the world. She asked the Redevelopment Commission to not support this text amendment or to postpone the item until the Design Guidelines are completed and stakeholders have had a chance to respond.

Chair Hudgins asked the Town Attorney if the proposed Text Amendment as it relates to rooftop signs would in any way infringe upon property rights of residential owners

Attorney Payne did not believe so legally. He acknowledged that some property owner may not like the look, although he did not believe there was a legal right to have an unobstructed view unless there is some type of air easement in place.

**Sandra Reynolds**, Gilbert resident, has attended all of the public and stakeholder meetings for the redevelopment of the Heritage District. At all of those meetings it was made very clear that the small town look and feel was wanted in the Heritage District. It seems like the development that is going in now is in exact opposition to that with huge buildings that are higher than existing buildings that will block the Water Tower views. Now we are talking about rooftop signs on top of that. The people who live in the Heritage District may not legally be losing their property, but they are losing property values. She can look out her window and see the beautiful Water Tower with all the lights. If we have neon signs, she will be looking out her window and see neon signs instead of the Water Tower. The focus will no longer be on what our iconic Heritage District theme is. It is being lost one step at a time. She felt that planners need to take steps to limit the development in the Heritage District in order to keep the small town look and feel as we see in the southern part of the district. She felt building heights needed to be reduced and designs need to be developed in alignment with the small town look and feel, and not the industrial marketplace that seems to be the progression. Rooftop signs are not seen in small towns, but in commercial and industrial centers in huge cities. She felt it was important that we get a grasp of what a small town should look like. She noted the Gilmore Girls on Netflix gives a good example of the ideal setting of the small town. We need to strive to keep that look and feel in our Heritage District.

Chair Hudgins allowed the one speaker in favor of this item 10 minutes to speak to be fair.

**Brad Smith**, lives in the Agriopia neighborhood and has been a Gilbert resident for 19 years. All of his children graduated from the Gilbert high schools and two work in the Heritage District and own homes in Gilbert. Gilbert is his family's town. He is the owner of the 3-story building located at 313 North Gilbert Road and he is not a commercial developer. The building houses his software company, a local restaurant, a soon to open rooftop restaurant, and a co-working space serving women in the Gilbert community. His software company does business with other businesses throughout the US and Canada and is not a public facing company. He has no need to advertise his own business to this community. His objective in requesting a sign on top of his building, that at this time would say the word Gilbert, is to help promote the



town he loves. The sign would be such that it represents the Town and its historic preservation through creative art and culture. He too loves the Water Tower and sees the sign as an addition to our growing community. When the Water Tower was presented to the town in 1925, it was approved by a vote of 38 to 5. Can you imagine today if there were 5 residents in opposition to the iconic Water Tower. In 2014, our town started adding lights to the Water Tower. Parties interested in lighting the Gilbert Water Tower a specific color to recognize a community impact initiative or to create community awareness have an opportunity to do so. Our Town will always be evolving in ways that celebrate who we are and he sees this as another addition to celebration.

With no further public comment, Chair Hudgins moved to the Commission for further discussion.

#### **DISCUSSION BY COMMISSION:**

Commissioner Sciacca enjoyed hearing both sides of the argument. He personally felt there are a lot of downtown communities in Arizona that are very jealous of the signs and the sense of arrival that the Town of Gilbert exudes. He appreciated the fact that our goal is to keep it a small town feel. He noted that parking garages are not small town and there are several of them in Gilbert. As we evolve, as Brad mentioned, so too does the look and feel evolve. It is nice to have our cake and eat it too. In some ways, the Town of Gilbert has that. We have the small town feel and yet it is exciting to see the dynamics in Gilbert. He can see both sides. With regard to the 38 to 5 vote in 1925 to approve the erection of the Water Tower, there may have been even more people that were opposed, but ultimately they voted yes. Those people probably never imagined that the Water Tower would be lit up today. Times change and so does the fabric and look and feel.

Vice Chair Hamilton was impressed with the carefully crafted compromise that staff has developed. Limiting it to three signs on Gilbert Road on certain buildings in certain areas he felt was indicative of consideration of the concerns and comments. He was inclined to support what he considers to be a carefully crafted amendment and a detailed analysis appears to have been done to take into account all concerns. He felt it was a positive step.

With no further discussion from the Commission, Chair Hudgins entertained a motion.

**MOTION:** Vice Chair Hamilton moved to recommend approval to the Planning Commission for Z19-04, LDC Text Amendment-Heritage Sign Plans as requested; seconded by Commissioner Bigelow.

**Motion passed 4-1, with Commissioner Jones opposed.**

#### **COMMUNICATIONS**

3. **Report from the CHAIR on current or future events.** None.
4. **Report from COUNCIL LIAISON on current or future events.** None.
5. **Report from COMMISSIONERS on current or future events.** None.
6. **Report from STAFF LIAISON on current or future events.** None.

#### **ADJOURN**

With no further business before the Commission, Chair Hudgins adjourned the meeting at 7:11 p.m.

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Tyler Hudgins, Chair